

### **REMARKS**

Claims 4-14 and 17-23 are rejected under 35 USC §103. The applicants respectfully traverse these rejections and request reconsideration of the application in view of the above amendments and the following remarks.

In a response filed electronically on February 18, 2010, Claim 4 was amended, Claim 22 was canceled and Claims 24-26 were added.

In the present response, the Specification and Claims 4 and 26 have been amended and Claim 24 has been canceled. None of the changes constitute new matter since this clarification of the claims is supported by the original disclosure.

### **REJECTIONS UNDER 35 USC §103**

Claims 4-14 and 17-23 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent no. 6,066,714, hereinafter referred to as "Putzig", in view of U.S. Patent no. 5,017,680, hereinafter referred to as "Sublett", and U.S. Patent no. 5,610,231, hereinafter referred to as "Braune". Specifically, the Office Action suggests Putzig discloses a process for the esterification of a dicarboxylic acid compound with a catalyst comprising an organic titanium compound of two or more of a general formula  $[Ti(OR)_4]_n$  with n being 2 or more; Sublett disclose a complex catalyst of titanium/alkali metal or alkaline earth metal, such as titanium glycolate with an alkali or alkali earth metal salt, such as sodium glycoxide with a mole ratio of the alkali metal/titanium of 0.25/1 (equivalent to a mole ratio of 4:1 of titanium/alkali metal); and Braune suggests that in the preparation of thermoplastic polyesters alkali metal salts useful for esterification include sodium glycolate.

In a response filed electronically on February 18, 2010, Claim 4 was amended, Claim 22 was canceled and Claims 24-26 were added.

In a telephonic interview between the examiner and the undersigned attorney on May 17, 2010, the examiner indicated she was willing to allow claims in the present application provided the following amendments were made:

1. The Specification would be amended on pages 3 and 5 so that the formula for the polymeric titanium glycolate of  $[\text{TiO}_4(\text{CH}_2)_4]_n$  would specify n being 8 to 200 since n being less than 8 would not be polymeric.
2. Claims 4 and 26 would be amended to specify polymeric titanium glycolate represented by the formula  $[\text{TiO}_4(\text{CH}_2)_4]_n$  wherein n is 8 to 200.
3. The subject matter of Claim 24 (“the polymeric titanium glycolate is not soluble in ethylene glycol”) would be incorporated into Claims 4 and 26.

The Specification has been amended on pages 3 and 5 so that the formula for the polymeric titanium glycolate of  $[\text{TiO}_4(\text{CH}_2)_4]_n$  specifies n being 8 to 200. Claims 1 and 26 have been amended and now read in part “a polymeric titanium glycolate represented by the formula  $[\text{TiO}_4(\text{CH}_2)_4]_n$  wherein n is 8 to 200 and is not soluble in ethylene glycol”. Support for this language is found in the Specification on pages 3, lines 10-16, and 5, lines 14-16, as amended, on page 5, lines 17-18, and Claim 24, now canceled.

The applicants and their attorney would like to express their thanks to the examiner for the help and cooperation extended during the telephonic interview of May 17, 2010, which served to advance prosecution of this patent application to allowance. The examiner's efforts are much appreciated.

The applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that the Applicants have inadvertently overlooked the need for a petition and fee for extension of time. If an additional extension of time is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any additional fees due by filing this paper or to credit any overpayment to Account No. 502025.

Respectfully submitted,



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